

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHON H. HALL,

Petitioner,

v.

CASE NO. 05-CV-73906-DT
HONORABLE LAWRENCE P. ZATKOFF

BLAINE LAFLER,

Respondent.

_____ /

**ORDER DENYING REQUEST FOR EXTENSION OF TIME TO FILE NOTICE
OF APPEAL AND DENYING MOTION FOR CERTIFICATE OF APPEALABILITY**

This matter is before the Court on Petitioner's motion for a certificate of appealability, which includes a request to extend the time for filing a notice of appeal, concerning this Court's denial of his petition for writ of habeas corpus. The Court issued its Opinion and Order denying the petition and a related Judgment on April 2, 2007. Petitioner signed and dated his notice of appeal and motion for a certificate of appealability on May 30, 2007.

Under the Federal Rules of Appellate Procedure, a notice of appeal must be filed with the federal district court within 30 days after the judgment or order appealed from is entered. *See* Fed. R. App. P. 4(a)(1)(A). A federal district court may extend the time to file a notice of appeal if a party so moves no later than 30 days after the time prescribed expires and that party shows excusable neglect or good cause. *See* Fed. R. App. P. 4(a)(5). Petitioner filed his motion for a certificate of appealability and request for an extension of time in which to file a notice of appeal within 30 days after the appeal period expired. Petitioner states that he did not timely file a notice of appeal

because he was unaware that he could appeal this Court's denial of his habeas petition. "Ignorance of the rules or mistakes in construing the rules do not usually constitute excusable neglect." *See Nicholson v. City of Warren*, 467 F.3d 525, 527 (6th Cir. 2006) (citing *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 392 (1993)); *see also Prizevoits v. Indiana Bell Telephone Co.*, 76 F.3d 132, 133 (7th Cir. 1996) ("The excusable neglect standard can never be met by a showing of inability or refusal to read and comprehend the plain language of the federal rules."). Mistakes by those who proceed pro se are also not generally excusable. *See Nicholson*, 467 F.3d at 527 (citing *McNeil v. United States*, 508 U.S. 106, 113 (1993)). Having considered the matter, the Court concludes that Petitioner has not shown excusable neglect and/or good cause for the late filing of his notice of appeal.

Accordingly,

IT IS ORDERED that Petitioner's request for extension of time to file a notice of appeal and his motion for a certificate of appealability are **DENIED**.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: June 14, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on June 14, 2007.

s/Marie E. Verlinde

Case Manager

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